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May 18 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

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William K. VanCanagan, Esq.
Dennis E. Lind, Esq.
J.R. Casillas, Esq.
DATSOPOULOS, MacDONALD & LIND, P.C.
201 West Main Street, Suite 201
Missoula, Montana 59802
Telephone: (406) 728-0810
Fax: (406) 543-0134

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 09-0602

JOSEPH T. BERLIN and MARTHA M. BERLIN,

Plaintiffs/Appellees

v.

MAGNOLIA ENTERPRISES, L.L.C., COLBERT P. HOWELL, BARBARA
JEAN HOWELL, NORTHWEST ACCEPTANCE CORP., BARBARA JEAN
HOWELL as TRUSTEE of the REVOCABLE INTERVIVOS VIRGINIA-BELL
NEILSON TRUST, and DENNIS DeVAR NEILSON,

Defendants/Appellants.

MOTION TO DISMISS APPEAL

On Appeal from the Fourth Judicial District Court,
Missoula County, Montana
Cause No. DV-08-1552
Honorable Ed McLean

The Appellants in the above-entitled appeal hereby request that the appeal from District Court be dismissed as the parties have fully and finally settled the matter upon the merits.

DATED this 7th day of May, 2010.

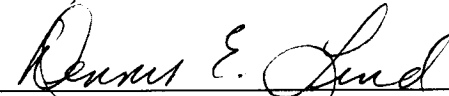
BJORNSON LAW OFFICES, P.C.

By: 

David H. Bjornson
Attorneys for Appellant
Dennis DeVar Neilson

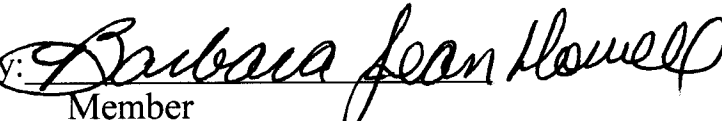
By: 
Dennis DeVar Neilson


DATSOPOULOS, MACDONALD &
LIND, P.C.


By: 


Dennis E. Lind
Attorneys for Howell
Defendants

MAGNOLIA ENTERPRISES, L.L.C.

By: 
Member

By: 
Barbara Jean Howell

By: 
Barbara Jean Howell
as the Trustee of the
Revocable Intervivos
Virginia-Bell Neilson Trust

By: 
Colbert P. Howell